

DOCKET NO.: P-9406.00

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## RESPONSE and AMENDMENT TRANSMITTAL

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APR 05 2006

Applicants: Padua, et al.  
Serial No.: 10/027,655  
Filed: December 20, 2001  
Title: Electrically Responsive Promoter System

Examiner: Popa, Ileana  
Group Art Unit: 1633  
Docket: P-9406.00

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.6(d):** I hereby certify that this Response and Amendment Transmittal and the paper(s), as described herein, are being transmitted by facsimile at 571-273-8300 to the U.S. Patent Trademark Office in accordance with 37 C.F.R. §1.6(d) to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5th day of APRIL, 2006.

*Manita I. Traufler*  
Manita I. Traufler

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Response and Amendment Transmittal  
☒ Reply Under 37 CFR 111 & Amendment Under 37 CFR 1.121  
☒ Pending Claims as Amended (Marked-Up Version)

## FEE CALCULATION

CLAIM AMENDMENT(S)	Claims Remaining After Amendment	Highest Number Previously Paid For	Add'l Claims	Rate	Fee
Total Claims	32 -	52 =		x 50	\$00.00
Independent Claims	3 -	5 =		x 200	\$00.00
Multiple Dependent Claims	2	4 =		+ 360	\$00.00
TOTAL					\$00.00

- ☒ Applicant hereby petitions for a 1 month extension of time. (The one-month deadline of March 25, 2006 fell on a Saturday. See 37 C.F.R. 1.7(a)). If an additional extension of time is required, please consider this a petition therefore.
- ☒ Charge Deposit Account No. 13-2546 the sum of \$120.00.
- ☒ Please charge any additional fees or credits to Deposit Account No. 13-2546 that may have been overlooked on this Response and Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

Date

April 5, 2006

*Kenneth J. Collier*  
Kenneth J. Collier, Reg. No. 34,982  
Customer Number 27581  
Telephone: (763) 505-2521

**Medtronic****RECEIVED  
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# Facsimile Cover Sheet

**MEDTRONIC LAW DEPARTMENT – CONFIDENTIAL****P-9406.00**

**To:** Office of Petitions  
**Company:** U.S. Patent and Trademark Office  
**Phone:**  
**Fax:** 571-273-8300

**From:** Kenneth J. Collier  
**Phone:** 763-505-2521  
**Fax:** 763-505-2530

**Date:** April 5, 2006

**Pages including  
this cover page:** 29

**RE:** Medtronic Docket: P9406.00  
Serial No. 10/027,655  
Applicants: Padua, et al.  
Filed: December 20, 2001  
Title: Electrically Responsive Promoter System  
Examiner: Popa, Ileana Group Art Unit: 1633  
Attached are the following documents:  
☒ Response and Amendment Transmittal  
☒ Reply Under 37 CFR 111 & Amendment Under 37 CFR 1.121  
☒ Pending Claims as Amended (Marked-Up Version)

#### NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMITTAL FORM. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY Juanita Trauffer at (763) 505-2523. THANK YOU.

**RECEIVED  
CENTRAL FAX CENTER****APR 05 2006****CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date appearing below.

Medtronic Inc.

By Juanita I. Traufler  
Juanita I. TrauflerDate April 5, 2006**PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) :	Padua, et al.	)	
Serial No. :	10/027,655	)	Group Art Unit
		)	1633
Filed :	December 20, 2001	)	
For :	Electrically Responsive Promoter System	)	Examiner
		)	Popa, Ileana
Docket No. :	P9406.00	)	

**REPLY UNDER 37 C.F.R. 111 &  
AMENDMENT UNDER 37 C.F.R. 1.121**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants enclose their response to the Office action mailed 12/05/2005 to the above captioned application. Along with the submitted response is Applicants' request and payment for a one month extension of time. Payment for the one month extension of time and any other fees associated with this application should be charged to Medtronic's account number 13-2546.

The present status of the claims after the 12/05/2005 office action is as follows:

K:\MBC Patent And Contract\Applications\P9406\Office Action\P9406.00 Response to Office Action 12-5-05.doc